

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the  
Commonwealth and ERS.**

**NOTICE OF CORRESPONDENCE REGARDING THE FIVE HUNDRED FIFTY-  
SEVENTH OMNIBUS OBJECTION (SUBSTANTIVE) OF THE COMMONWEALTH  
OF PUERTO RICO AND THE EMPLOYEES RETIREMENT SYSTEM OF THE  
GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO TO  
PROOFS OF CLAIM NOS. 152871 AND 111964**

To the Honorable United States District Court Judge Laura Taylor Swain:

1. On December 16, 2022, the Commonwealth of Puerto Rico (the “Commonwealth”) and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS,” together with the Commonwealth, the “Debtors”), by and through the Financial Oversight

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”, and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Debtors pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),<sup>2</sup> filed the *Five Hundred Fifty-Seventh Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Deficient Claims* [ECF No. 23092] (the “Five Hundred Fifty-Seventh Omnibus Objection”) to various proofs of claim.

2. The Five Hundred Fifty-Seventh Omnibus Objection seeks to disallow certain proofs of claim that failed to comply with the applicable rules by not providing a basis for asserting a claim against the Commonwealth, ERS, or any of the other Title III Debtor (collectively, the “Deficient Claims”), each as listed on Exhibit A thereto. As set forth in the Five Hundred Fifty-Seventh Omnibus Objection and supporting exhibits thereto, each of the Deficient Claims purports to assert wages and/or incentives liabilities associated with one or both of the following family law litigations, Case No. KAL-1998-0532 and/or Case No. KAL-1999-0665 (the “Litigations”),<sup>3</sup> although neither of the Litigations raise wages and/or incentives issues. However, the claimants associated with the Deficient Claims have failed to provide sufficient documentation regarding the asserted basis of the claims or the Litigations. Because of the claimants’ failure to comply with the applicable rules, the Debtors are not able to determine the validity of the Deficient Claims.

3. Any party who disputed the Five Hundred Fifty-Seventh Omnibus Objection was required to file a response by 4:00 p.m. (Atlantic Standard Time) on January 17, 2023, in accordance with the Court-approved notice attached to the Five Hundred Fifty-Seventh Omnibus

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<sup>2</sup> PROMESA is codified at 48 U.S.C. §§ 2101–2241.

<sup>3</sup> To the extent that the claimants intended to assert the multi-plaintiff litigation captioned *Palmira Acety et al. v. Commonwealth of Puerto Rico*, Case No. KAC-1998-0532, the Debtors have confirmed that no claimant is a plaintiff in this case.

Objection as Exhibit C thereto, which was served in English and Spanish on the individual creditors subject to the Five Hundred Fifty-Seventh Omnibus Objection, the U.S. Trustee, and the Master Service List (as defined in the *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-1]). *See Certificate of Service* [ECF No. 23169].

4. The Debtors received correspondence from (a) Lilliam L. Rivera Salerna (“Rivera Salerna”), a copy of which is attached hereto as Exhibit A (the “Rivera Salerna Response”), regarding Proof of Claim No. 152871 (the “Rivera Salerna Claim”), and (b) Carmen Astacio Pagán (“Astacio Pagán,” and together with Rodriguez Salerna, the “Claimants”), a copy of which is attached hereto as Exhibit B (the “Astacio Pagán Response”), regarding Proof of Claim No. 111964 (the “Astacio Pagán Claim”). Certified translations of the Rivera Salerna Response and the Astacio Pagán Response are attached hereto as Exhibits A-1 and B-1.

**I. Rivera Salerna Response**

5. On June 28, 2018, Rivera Salerna filed the Rivera Salerna Claim asserting an undetermined amount from her employment at the Department of Education, an agency of the Commonwealth, under cases KAL-1998-0532 and KAL-1999-0665. Rivera Salerna Claim at 2-3.

6. The Rivera Salerna Response, a Spanish-language letter, dated December 30, 2022, was received by Kroll on January 6, 2023. Therein, Rivera Salerna does not dispute that the Rivera Salerna Claim purports to assert liabilities arising from litigations that do not name Rivera Salerna as a plaintiff, and otherwise assert liabilities relating to wages or incentives liabilities without providing sufficient information for the Debtors to determine whether any such liabilities are actually owed. Instead, the Rivera Salerna Response simply states that “the documents required have always been sent.” Rivera Salerna Response at 2.

7. Because the Rivera Salerna Response does not provide critical information needed to determine the validity of the Rivera Salerna Claim against the Commonwealth or any other Title III Debtor, the Rivera Salerna Claim should be disallowed in its entirety.

## **II. Astacio Pagán Response**

8. On June 28, 2018, Astacio Pagán filed the Astacio Pagán Claim asserting \$9,000 from her employment at the Department of Education, an agency of the Commonwealth, under cases KAL-1998-0532 and KAL-1999-0665. Astacio Pagán Claim at 2-3.

9. The Astacio Pagán Response, a Spanish-language letter, dated January 02, 2023, was received by Kroll on January 10, 2023. Therein, Astacio Pagán also does not dispute that the Astacio Pagán Claim purports to assert liabilities arising from litigations that do not name Astacio Pagán as a plaintiff, and otherwise assert liabilities relating to wages or incentives liabilities without providing sufficient information for the Debtors to determine whether any such liabilities are actually owed. Instead, Astacio Pagán alleges accrued but unpaid wages purportedly arising during the governorships of Governor Romero Barceló and Governor Calderón. Astacio Pagán Response at 1. This information is not sufficient, however, for the Debtors to be able to reconcile the Astacio Pagán Claim.

10. Because the Astacio Pagán Response does not provide critical information needed to determine the validity of the Astacio Pagán Claim against the Commonwealth or any other Title III Debtor, the Astacio Pagán Claim should be disallowed in its entirety.

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Dated: April 11, 2023  
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

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